



**U.S. Department of the Interior**

Bureau of Land Management

Wyoming State Office

Worland Field Office

September 2000

**DECISION RECORD and  
FINDING OF NO SIGNIFICANT IMPACT for the  
Wild Horse Gathering for the Fifteenmile  
Wild Horse Herd Management Area  
EA No. WY-010-EA0-083**



#### MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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**DECISION RECORD  
and  
FINDING OF NO SIGNIFICANT IMPACT**

**WILD HORSE GATHERING  
for the  
FIFTEENMILE WILD HORSE HERD  
MANAGEMENT AREA**

**ENVIRONMENTAL ASSESSMENT  
EA No. WY-010-EA0-083**

**PREPARED BY**

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WORLAND FIELD OFFICE**

**SEPTEMBER 2000**

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# ***DECISION RECORD***

## **DECISION RECORD and FINDING OF NO SIGNIFICANT IMPACT for the Wild Horse Gathering For the Fifteenmile Wild Horse Herd Management Area EA Number WY-010-EA0-083**

### **DECISION**

It is my decision to approve the Proposed Action as described in the Wild Horse Gathering for the Fifteenmile Wild Horse Herd Management Area Environmental Assessment (EA). Beginning on or about October 10, 2000 and ending upon completion of the project, the Bureau of Land Management (BLM) will gather approximately 260 wild horses in order to remove approximately 160 wild horses from the Fifteenmile Wild Horse Herd Management Area (HMA) and surrounding areas. Excess wild horses will be gathered and removed according to the Wild Horse Gathering Plan 2000 (Appendix A). The gathering operation is expected to require up to two weeks for completion.

All wild horses gathered from areas outside the HMA are considered excess and subject to removal. Those wild horses not selected for removal will be released back into the HMA. Removal of excess wild horses will leave wild horse populations in, or close to, compliance with the Record of Decision And Approved Resource Management Plan (RMP) for the Grass Creek Planning Area.

### **FINDING OF NO SIGNIFICANT IMPACT**

Based on the environmental analysis in the EA, I have determined that the impacts to the quality of the human environment are not expected to be significant. Therefore, an environmental impact statement is not necessary.

### **RATIONALE FOR DECISION**

My decision to approve gathering and removal of excess wild horses is based upon the following:

The RMP provides for maintaining an Appropriate Management Level (AML) of 70 to 160 mature horses (100 to 240 total horses) within the HMA. The March 2000 wild horse inventory and the projected post-2000 foaling population indicates that wild horse numbers in the HMA are above the AML established in the land use plan. For this reason, all horses above the AML are considered

excess and subject to removal. Gathering wild horses is in conformance with the land use plan.

Based on the analysis in the EA, the impacts to the wild horses and to other resources will not be significant. The horses will be treated in a safe and humane manner. Safety risks to BLM employees or the contractor and the wild horses will be minimized through planned actions identified in the Gathering Plan.

No substantive comments, those that provided supporting data, were received by BLM to warrant further environmental analysis or selection of the No Action Alternative. Appendix B provides a summary of public comments and BLM's responses.

## COMPLIANCE AND MONITORING

Gathering and removal of excess wild horses will be conducted as described in the Gathering Plan.

The BLM will continue to monitor wild horse numbers, utilization, and range condition to achieve the multiple use objectives in the grazing allotments within the wild horse herd management areas.

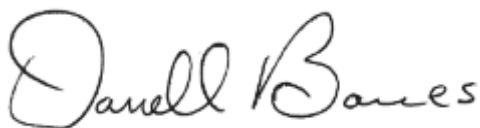
## APPEALS

This decision is issued full force and effect in accordance with 43 CFR 4770.3(a) which states in part: "decisions to remove...shall be effective upon issuance or on a date established in the decision." Once the decision is final, it will be subject to appeal. If you wish to appeal this decision, as provided by 43 CFR 4770.3 and 43 CFR 4.4, you must file an appeal in writing within 30 days of this decision with the BLM - Worland Field Office, P.O. Box 119, Worland, Wyoming 82401-0119. The appeal shall state clearly and concisely why you think the decision is in error.

Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

1. the relative harm to the parties if the stay is granted or denied;
2. the likelihood of the appellant's success on the merits;
3. the likelihood of immediate and irreparable harm if the stay is not granted; and
4. whether the public interest favors granting the stay.

If you decide to also submit a petition for stay of the decision, a copy of the notice of appeal, statement of reasons, and petition for stay should be simultaneously filed with the Office of the Field Solicitor, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215.



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Darrell Barnes, Worland Field Manager

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September 25, 2000

Date

# **APPENDIX A**

## **WILD HORSE GATHERING PLAN 2000 for the FIFTEENMILE WILD HORSE HERD MANAGEMENT AREA Bureau of Land Management Worland Field Office**

### **INTRODUCTION**

The purpose of this plan is to outline the methods and approaches for gathering approximately 260 wild horses and removing approximately 160 wild horses from both private and BLM-administered lands in the Worland Field Office area. These wild horses would be gathered from the Fifteenmile Wild Horse Herd Management Area (HMA) and the surrounding area.

### **BLM COMMITMENTS**

- , Cultural resource clearances will be conducted on all wild horse trap sites. A BLM archaeologist will be notified if any cultural resources are discovered during gathering operations or if new trap sites are selected. Appropriate action will be determined at that time.
- , Trap sites will be surveyed and cleared for threatened, endangered, candidate, and sensitive plant and animal species prior to construction.
- , Removal operations will be in accordance with selective removal guidelines, or the national policy in effect at the time of the gather. However, implementing selective removal criteria will not be applied if the sex ratio would be skewed to the point where herd viability is affected.
- , Existing roads and trails will be used at all times, if possible.
- , Gathering operations will not occur in designated wildlife crucial winter ranges from November 15 to April 30.
- , Trap sites will not be located on or near sage grouse habitat during breeding or nesting periods.
- , Gathering operations will avoid active raptor nests.
- , Trap sites will not be constructed in riparian or wetland areas.
- , Operations will not be conducted when it is so wet that resource damage would occur. If resource damage occurs during gathering operations, it will be reclaimed in accordance with BLM reclamation procedures.
- , If needed, only certified weed-seed-free hay will be used during gathering operations.
- , Blood or hair samples will be collected for Genetic Marker Analysis. Priority will be given to those horses released back into the population, and as resources allow, all horses will be sampled. This data will be compared to a similar analysis conducted in 1991, and provide continuing background information concerning the genetic viability of



the herd. If necessary to improve genetic diversity, a few horses from a different area may be introduced into the population.

## **GATHERING AREAS**

The Fifteenmile HMA covers approximately 83,000 acres of public, state, and private lands. The entire HMA is fenced, with no internal fences. Any horses found in areas outside of the HMA, including the Fivemile area east of the HMA, will also be gathered. Some fences may be encountered in these areas.

## **CAPTURE METHODS**

Helicopter drive trapping will be the primary capture method. Throughout the years this has proven to be a safe, effective, and humane method of gathering wild horses. This technique has been in use in Wyoming since June 1, 1977. Use of helicopters is in conformance with Section 9 of Public Law 92-195, which states

"...the Secretary may use or contract for the use of helicopters or, for the purpose of transporting captured animals, motor vehicles...such use shall be undertaken only after a public hearing..."

A public hearing for the use of helicopters during gathering operations for 2000 was held on February 14, 2000 in Rock Springs, Wyoming.

All horses located outside of the HMA will be gathered and removed or returned to the HMA, before gathering operations begin. All areas outside the HMA are considered total removal areas.

Selective removal of wild horses will be based on the current *Selective Removal Policy*, as established in Instruction Memorandum 99-053. In order to achieve AML, all wild horses aged 5 years and younger may be removed and placed in the adoption program. All horses aged 6 to 9 years may be removed and placed into the adoption program after they have received gentling or training to improve their ability to be adopted. All horses aged 10 years and over will be returned to the range.

Removal of wild horses will be in accordance with the national policies in effect at the time of the gather (such as selective removal) or under the guidelines of a long-term pasturing agreement.

## **BLM vs CONTRACT**

The horses will either be gathered by a BLM crew, a contract crew, or a combination of the two. Techniques and methods are essentially the same. Currently, two contracts between the BLM and gather contractors are in place. However, since Wyoming is not included under these contracts, a contract modification would be necessary before a contractor could be used.

## **HERDING AND STRESS REDUCTION PROCEDURES**

Wild horses will not be herded for distances greater than 10 miles. The Authorized Officer may reduce this distance after consideration of temperature, topography, soil conditions, horse condition, or other pertinent factors. When trap locations are selected, they will be placed in as close proximity to the horses as is practical. For this reason, it is imperative that actual trap site locations remain flexible to accommodate horse distribution.

Horses will be allowed to choose their own rate of travel, and the helicopter pilot will stay well away from the animals while maintaining visual contact. As the trap is approached, pressure from the helicopter will increase. Concurrent with this action, wranglers will follow the horses and encourage them into the trap and close the gate. Several herding runs may be made in a day.

A visual barrier of plastic snow fence or jute mesh will be placed on all gates and pens. This helps reduce the possibility of injury, and the visual barrier tends to settle the horses down in the pens.

When horses are sorted in the field, the field sorting/holding facility may be one of the traps. The horses will be sorted by sex and age and the release horses will be held until the gather is completed. If the horses can not be sorted in the field, they will be transported to a holding/preparation facility for sorting and later returned

to the HMA. Foals under 6 weeks old will be sorted out and hauled separately, then reunited with their mothers at the holding facility.

When herding bands containing small foals, extra care will be exercised and operations monitored. At any time a mare and foal start to fall behind the band, the mare and foal will be dropped. If the mare refuses to leave the band to stay with her foal, then the band will be left. If a foal becomes separated from its mother, every effort will be made to assure either capture or otherwise rejoining of the mare and foal.

## **ROPING**

The primary method for gathering wild horses in Wyoming is helicopter drive trapping. Roping may be used occasionally as a supplemental gathering technique under certain circumstances such as when a mare is captured but the foal is left behind, when a young horse refuses to enter the trap, or when there are escaped horses in an area of total removal (outside the HMA). In cases where more than occasional roping is anticipated, permission must be obtained from the Authorized Officer.

## **TRAP SITES**

Established trap sites will normally be used. New trap sites will be established as deemed appropriate and surveyed for cultural and other values. Traps will not be constructed when soils are so saturated that resource damage would occur. In the event that resource damage does occur, the area will be reclaimed. Vehicle traffic would be restricted to existing roads and trails. Wild horse trap locations which may be used, depending upon the location of the horses at the time of the removal, are:

- |                     |                  |
|---------------------|------------------|
| —Badger Creek North | —Benchmark       |
| —Badger Creek South | —Burlington Pass |
| —Blackburn Gulch    | —Red Butte.      |

Other trap sites may be used, if necessary.

## **TRAP CONSTRUCTION**

Traps will be constructed using 6-foot steel panels in 10- to 12-foot lengths. Main catch/holding pens are also constructed (usually three). A small pen, separate from the main holding pens, would be constructed to hold the

small foals or any other animal that requires special handling. Variations in trap design may be necessary based on site-specific requirements. Sliding wooden gates will be used in the loading alley to prevent injury and a portable loading chute will be used to load horses onto the trucks. To load trailers, panels will be attached to the existing loading alley.

Wings will extend out from the trap for a variable distance depending upon the trap site. Normally, wings extend out from the trap 100 to 200 yards and are up to 100 yards wide at the mouth of the wings. Jute (a burlap-like material) is suspended from steel fence posts placed 20 to 25 feet apart. This provides the necessary visual barrier to direct the wild horses into the trap.

## **FENCES OR OTHER HAZARDS TO WILD HORSES**

Although fences are not a major problem, they may be encountered during gathering operations, especially in areas outside of the HMA. The pilot will be briefed and provided a map, in accordance with the aviation safety plan, showing all fences or other hazards that could pose problems. If it should become necessary to move horses through fences to a trap, at least 30 feet of fence (or a fence gate, if available) will be laid back and jute, black plastic, or other material that provides a visual barrier will be placed on each side where the wire is laid back. A small wing of jute will be placed out from the fence as is necessary to guide the horses through the fence.

## **SORTING/HOLDING FACILITY**

A sorting/holding facility will be constructed at one or more of the trap locations, or the New Burlington Group Corrals may be used. The facility may be used to sort horses, hold release horses, and hold adoptable horses pending shipment to a preparation facility. Horses will be sorted by age and sex in accordance with the selective removal criteria. Feed and water will be provided for all horses while in the sorting/holding facility. Horses may be transported to other approved facilities for sorting and temporary holding, if the need arises.

After a specific gather area is finished, the horses selected for release will be released from the facility. If natural barriers or other impediments restrict the horses from returning to their "home range", then the horses will be transported for release. Horses selected for adoption will be transported to a holding facility, such as the Riverton Honor Farm, or directly to the Rock Springs corrals where they will be prepared for adoption. This will be done as soon as possible after capture.

## **PERSONNEL**

### **BLM Personnel**

There will be one wrangler foreman and five wranglers, as a general rule. The wranglers will also serve as truck drivers for BLM equipment. Contract trucks and drivers will be hired if necessary. There will also be a helicopter pilot, a fuel truck driver, and a BLM helicopter manager. Operations will usually be seven days a week, weather permitting. Additional personnel may be needed to sort, water, feed, and care for the horses, or to provide security.

### **Contract Crew Personnel**

Normally, a contract crew is composed of a lead wrangler, up to six wranglers, a supervisor, and a helicopter pilot and fuel truck driver.

## **EQUIPMENT**

A semi-tractor and straight deck stock trailer with a capacity of 30 to 33 horses will be used. A stock truck, with a maximum load of 14 head, can also be used. A one-ton flatbed truck and two-compartment 26-foot

horse trailer can haul four saddle horses and up to six separated wild horses. Other equipment may be used as needed.

All equipment will be inspected prior to use and will be in good condition and wood shavings will be used on flooring to help provide secure footing

## **TRANSPORTATION**

Straight-deck stock trailers, stock trucks, and horse trailers will be used to transport the horses from the trap site to the Riverton Honor Farm or the Rock Springs corrals to be prepared for adoption. Contract trucks/trailers that are routinely used to haul wild horses may be used. All equipment will be inspected prior to use and will be in good condition. Wood shavings will be used on flooring to help provide secure footing. All trailers and stock trucks will be loaded loose enough to that if a horse should fall it will have enough room to regain its footing.

## **HUMANE DESTRUCTION AND DISPOSAL**

Any wild horse requiring destruction, as determined by the Authorized Officer, will be destroyed and disposed of in accordance with Instruction Memorandum 98-141. Humane destruction of wild horses is provided for in the Wild and Free-Roaming Horse and Burro Act, as amended, Section 3 (b) 2 (A), 43 CFR 4730.1, and BLM Manual 4730 (Destruction of Wild Horses and Burros and Disposal of Their Remains).

## **BRANDED AND CLAIMED HORSES**

Branded and/or claimed horses will be transported to the preparation/holding facility. Ownership will be determined under the estray laws of the State of Wyoming by a Wyoming Brand Inspector. Collection of gather fees and any appropriate trespass charges will be collected at the time of change of possession.

## **VETERINARIAN SERVICES**

A veterinarian will not normally be at the trap sites or field sorting facilities. Several veterinarians are available in Worland and Cody, and will be on call should the need arise. Under the terms of the current Memorandum of Understanding with the United States Department of Agriculture, a USDA veterinarian may also be used. A veterinarian inspects the

horses that are transported to the preparation facility for sorting or adoption within 24 hours of arrival. Should the need for a veterinarian arise before this time, they are locally available and will be called to assist or provide advice.

## **PUBLIC INTEREST**

There may be viewing and photographing opportunities at one or more of the trap sites. The Worland Field Office Public Affairs Officer, or other BLM employees, will assist in the control of these groups to that they do not add unnecessary stress to the horses or interfere with the gathering operations. Other requests will be considered as they are received. All media and other visitors will be expected to comply with the directions of a BLM employee assigned to this task.

## **SAFETY**

All Rock Springs Field Office wild horse gathering crew safety procedures will be followed. Only skilled, experienced personnel will be involved in the gathering operations, handling, and transportation of the horses.

An aviation special use plan specific to this roundup will be prepared by the Worland Field Office. Operations will conform with the provisions of the Aerial Capture, Eradication, and Tagging of Animals contract prepared by the U.S. Department of the Interior Office of Aircraft Services (OAS). All flights will be in accordance with BLM aviation policy. Passengers will not be allowed in the helicopter during gathering. Transport of other than BLM personnel, at all times, is strictly prohibited.

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# **APPENDIX B**

## **PUBLIC COMMENTS/BLM RESPONSES**

### **Introduction**

The BLM received three comment letters in response to the EA. Those comments considered pertinent to the EA have been responded to by the BLM. A summary of the comments and the BLM's responses appear below.

### **Wyoming Game and Fish Department (WGFD)**

**Comment:** The current situation in the Fifteenmile area includes drought conditions and low availability of stored water. The area is also below objective for both antelope and mule deer populations, and contains sage grouse, for which there remains a potential for federal listing. Larger numbers of wild horses exacerbates or affects all of these situations, and we encourage the BLM to consider reducing horse numbers in response to current conditions of the multiple resources of this area.

**Response:** The BLM agrees with the WGFD regarding the current drought conditions in the Fifteenmile area, and will make every attempt to reduce the wild horse population to the lower range of the AML as specified in the RMP.

**Comment:** Peak antelope hunting activity occurs from October 1 to October 15, and deer hunting activity occurs from November 1 to November 15. Scheduling the horse roundup to avoid these dates would minimize conflicts with hunters pursuing game in this area.

**Response:** The BLM initially planned to conduct the wild horse removal in September, 2000, to avoid potential conflicts with hunters in the area. Due to budget constraints, emergency removals being conducted in other HMAs, and the availability of the BLM roundup crew, it was necessary to postpone the Fifteenmile removal until October, 2000. The removal is currently scheduled to begin on or about October 10, and should be completed by November 1.

### **Greta Bunting**

**Comment:** Veterinarians should be at the trap sites or field sorting facilities. Time should not be lost in calling one.

**Response:** The trap sites are within a maximum of one hour from Worland by motor vehicle. Our experience has been that there is very little need for an on-site veterinarian during routine gathers. Veterinarians will be on-call in Worland, and can be easily contacted by radio or cellular phone should the need arise.

**Comment:** Since wild horses' protection is in the hands of the BLM, I do not believe they should be turned over to contract crews. There is no indication that the latter will be supervised. A BLM supervisor should at least be present.

**Response:** The BLM plans to use a BLM roundup crew to conduct the removal. A contract crew would only be used if the BLM crew is not available. In the unlikely event that a contract crew was used, they would be closely supervised by BLM personnel.

**Comment:** Why reduce the herd to the lower range of the AML? You could at least reduce it to closer to the upper end of the 70 to 160 range.

**Response:** Reducing the herd to the upper range of the AML would result in the population being over the AML each year when new foals are born. This would require that a removal be conducted every year. In addition to being extremely cost-prohibitive, it would place a great deal of unnecessary stress on the horses. By reducing the herd to the lower range of the AML, population modeling has shown that removals will only be necessary every four to five years.

## **Fund For Animals Animal Protection Institute Doris Day Animal League**

**Comment:** There is no serious consideration given to a range of reasonable alternatives as is required by the National Environmental Policy Act (NEPA). Generally, only two alternatives—the proposed action or the no action alternatives—receive anything even remotely approaching the level of scrutiny required by NEPA. If anything, other alternatives that should be analyzed are either given a cursory review or rejected entirely. Simply because an alternative may not conform with an existing land use plan does not mean that it does not warrant analysis.

**Response:** The NEPA requires consideration of “reasonable” alternatives, not every alternative. The use of fertility control was considered as an alternative but was dropped from further analysis because it is under development. Moreover, the logistical problems with implementing fertility control in the HMA preclude the consideration of it as a viable alternative at this time. Closure of the HMA to livestock grazing was considered as an alternative but was dropped from further analysis because the alternative would not be in conformance with the land use plan which allows livestock grazing within the HMA. Elimination of Wild Horses from the HMA

was also considered as an alternative but was dropped from further analysis because the land use plan provides for maintaining free-roaming wild horses in a thriving ecological balance within the HMA. These decisions are more appropriate to the land use planning level. The BLM is directed by the Wild Horse and Burro Act to gather excess numbers of wild horses where an excess is determined to exist. An excess number of horses is that number which exceeds the requirements of thriving ecological balance, generally the AML number set as part of the land use planning process. The Proposed Action is to conform with the existing land use plan. Several alternatives for management of the HMA were considered in the land use planning process, and analyzed in an Environmental Impact Statement.

**Comment:** While we appreciate that BLM continues to conduct the required monitoring of vegetation, we are especially interested in forage allocation and utilization pattern information. Which species of animals are using which types of vegetative species and at which times of year? How much species overlap is there? Why have the public's wild horses been allocated only 2300 AUMs annually, while the total authorized livestock grazing on five allotments comprising the HMA (for winter sheep use only) is set at 7925 AUMs? While we understand that the Grass Creek RMP specifies that annual forage use by domestic livestock would not be allowed to exceed 3,370 AUMs, private livestock are still allocated nearly one and a half times as much forage as the public's wild horses. The EA also fails to provide the wildlife population objectives as defined by the Wyoming Game and Fish Department so the public can assess whether wild horses are being allocated their fair share of forage.

Moreover, other questions remain. For example, what is the reason for “voluntary” livestock non-use for several years? How many years is “several”? Is the nonuse occurring at the request of BLM? Has the economic downturn in the sheep market made the raising of sheep less attractive financially? Is there any indication that the permittees intend to reactivate the use at

any time? If not, is there a reason that the BLM can not allocate more forage to wild horses, particularly given the preferential disparity afforded to livestock? Given that the permittees are not currently using their AUMs and have not for several years, to what extent would they be negatively economically impacted, as indicated on page 11 of the EA by allocating more forage to wild horses?

**Response:** During the land use planning process, all elements of the human environment (including wild horses, human use, wildlife, and domestic livestock grazing) were evaluated to determine the most efficient use of public lands while maintaining the health of the land. During this process, limits on the numbers of livestock, wildlife, wild horses, human use, etc., were determined in order to maintain a healthy and thriving ecological balance. The purpose of this effort was to identify the impacts of implementing management actions to comply with the land use plan.

The type of information that you are requesting to be included in the EA is more relevant to the establishment of the AML. Establishment of the AML was done via the land use planning process and is not part of the Proposed Action and therefore, outside the scope of this analysis. The BLM maintains records on rangeland monitoring, permitted livestock grazing, and wild horse inventory data. The WGFD is charged with maintaining records on wildlife population numbers. The WGFD does not maintain wildlife data specific to wild horse herd management areas. The BLM provided the best available information in the EA.

**Comment:** Give that the herd is isolated, the established AML of 70 to 160 mature horses may not be adequate to maintain the long term-genetic viability of the herd, especially if the numbers are being reduced to the lower range of the AML. The selective removal criteria that are currently used by the BLM skew the age and often the sex ratio of the animals in the wild, thus further impacting their reproductive potential, and possibly jeopardizing the health and long-term genetic viability of the herd.

Despite rapidly growing knowledge about equid population genetics, the EA fails to incorporate this important information into the EA but rather states that maintaining wild horse populations at AML would result in no cumulative impacts to the long-term viability of the wild horse herd. However in contradictory fashion, the EA continues "If future monitoring of the wild horse herd and genetic analysis indicated that genetic viability was threatened, horses from another HMA would be brought in to the Fifteenmile HMA to the long-term viability of the herd." This appears to be the new solution for addressing genetic concerns for the BLM. This "quick fix" has been cited in nearly all the EAs being prepared by the BLM. There is no discussion whatsoever about how such introductions impact herd integrity and social interactions. Instead of analyzing an alternative that would adjust AMLs to ensure that herds, especially isolated herds, have numbers that will preserve long-term genetic viability, the BLM elects to maintain the status quo and to sacrifice the interests of wild horses in the process.

**Response:** The BLM is required to follow the current selective removal policy. Both our Congressional and Internal auditors have said that we should stop routinely removing unadoptable wild horses. The auditors have said that the associated long-term expenses for both travel to adoption and after adoption for horses that are not adopted, and the costs associated with the sanctuaries where most of these unadoptable horses end up is unjustified.

There is no agreement within the scientific community on how many wild horses it takes to maintain a genetically diverse and viable herd. The Gathering Plan (Appendix A) states that blood or hair samples will be collected for Genetic Marker Analysis. Priority will be given to those horses released back into the population, and as resources allow, all horses will be sampled. This data will be compared to a similar analysis conducted in 1991, and provide continuing background information concerning the genetic viability of the herd. The BLM maintains the best available information was used in writing this EA. If



the respondent has additional data, BLM would like to review it.

The respondent may disagree with the established AML but as previously stated, the AML was established during the land use planning process. The public was given ample opportunity to participate during this process. Changing the land use plan is beyond the scope of this analysis. The Proposed Action addressed the impacts of achieving and maintaining the AML for the HMA in conformance with the land use plan.

**Comment:** According to the EA, the entire HMA is fenced with no internal fences. However, there is no discussion about how and where horses are exiting the HMA. Is the fence in disrepair? Are horses leaving the HMA to meet their biotic needs because, for example, water availability is a problem within the HMA? Were the biotic needs and the seasonal migratory behavior of the Fifteenmile herd adequately considered in drawing the HMA boundary?

**Response:** The fence surrounding the HMA is difficult to maintain due to the fact that parts of the fence are located in extremely rugged and remote country. The BLM and the surrounding livestock permittees work together to keep the fences in good condition as funding and resources allow. During the land use planning process, the BLM initially proposed to expand the size of the HMA to more adequately reflect the historic range of the wild horse herd. Virtually no public support was received for this proposal.

**Comment:** While offering assistance to the public in their efforts to view wild horses in a natural setting may be an appropriate service for the BLM to offer, it has no obligation to provide to the public "an opportunity to adopt a wild horse from the area." Unfortunately, the National Wild Horse and Burro Program has been driven for far too long by routine wild horse removals and promotion of the adopt-a-horse program. The BLM must realize that the adoption program is not an end in itself; it is merely a means to deal with "excess" horses as defined by the WFHBA. The BLM has no obligation to

meet the demands of those who may be interested in adopting a wild horse for recreational or any other purpose. The BLM is required to seek only qualified adopters for excess wild horses. It should not be removing horses simply to enhance the recreational opportunities for the public through adoption and adoption events.

**Response:** The purpose of this effort was to identify the impacts of implementing management actions to comply with the land use plan. The Proposed Action is to remove wild horses that exceed the established AML in conformance with the land use plan. Providing the public an opportunity to adopt a wild horse from the area is simply a consequence of the Proposed Action, not the purpose of the Proposed Action.

**Comment:** Your EA has not provided critical information necessary for the public to offer informed comments. The Fifteenmile HMA Plan and update are 15 and 10 years old respectively. There is no analysis of a reasonable range of alternatives as is required by NEPA. In addition, given that so many wild horses are already removed and continue to be removed due to emergency conditions throughout the West, it is unlikely that there are enough qualified individuals to adopt these animals in the short term. This means that horses may again languish in holding facilities as was the case a few years ago. Because there is no urgency to remove these animals (they are in good physical condition and the HMA is in fair to good condition), and for the reasons stated above, we request that the BLM withdraw the EA and prepare a new EA that addresses the aforementioned deficiencies. Nothing less will be acceptable. It is our position that based on the above and more, NEPA has been violated.

**Response:** The BLM concludes that the current EA is adequate and finds no compelling reason to withdraw it and prepare another EA. The EA discloses the best available information, documents the impacts of the Proposed Action and No Action alternatives, and considers a reasonable range of alternatives. Conclusions reached in the analysis were

based on monitoring data located at the field office which is open to public inspection. Moreover, the EA and this Decision are tiered off the Record of Decision And Approved Resource Management Plan (RMP) for the Grass Creek Planning Area and its accompanying EIS, which analyzed the impacts for all of the values referenced by the commentor. The Proposed Action is

in conformance with the land use plan. The BLM realizes that wild horses are important to the American public just as other resources including wildlife, livestock, recreation, and energy commodities are important to the American public. Because of the importance the public places on wild horses and other resources, it is important that BLM maintain the habitat for all uses.

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

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